

KINGDOM OF CAMBODIA

NATION RELIGION KING

CODE OF ETHICS

FOR

JUDGES AND PROSECUTORS

While performing judicial and prosecutorial work, judges and prosecutors shall have:

- Diligence**
- Honesty and justice**
- Legal respect**
- Equal sentence**
- Knowledge-based judgment**

While performing judicial and prosecutorial work, judges and prosecutors shall avoid 4 partialities:

- Bias**
- Anger**
- Fear**
- Ignorant**

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Chapter I Objective and Structure

Article 1- Objective

This code of ethics is intended to reinforce dignity and independency of all judges and prosecutors in performing their judicial and prosecutorial work as well as in adhering to appropriate behaviors outside the court.

This code of ethics is merely supplementary to existing law and other existing instructions for judge and prosecutor with the purpose to improve public confidence on judicial system and protect reputation of judges and prosecutor.

Chapter II Independent Principle

Article 2-Principle

Judge and prosecutor shall fulfill their duty independently with basis of evaluation of fact and legal knowledge without being subjected to such influences as persuasion, pressure, intimidation or interference from any person or people or reasons whether directly or indirectly in order to be perceived as an individual with just manner, and having clear reasons to make judgment.

Judge and prosecutor shall dismiss any irregular attempts that manipulate their judgments.

Article 3-Irregular attempts which influence judges and prosecutors

Judge and prosecutor shall dismiss the attempt to submit or request, which is not primary statement or evidence during the case proceeding of a party or party's representative. If the judge and prosecutor cannot dismiss the attempts, they shall request permission from the President of the Court to take measures according to the law.

Article 4-Political Activities

Judge and prosecutor shall be neutral in political activities.

Article 5-Membership of some government's commission

Judge and prosecutor may participate in providing conception about judicial administration and improvement of law by utilizing legal knowledge and their judicial and prosecutorial experiences. In this sense, for the public interest, judge and prosecutor may participate in some commissions of the government to the extent of activities necessarily related to the discussion about law, reform of judicial system, and promotion of legal reform.

Article 6-Relationship between individual and society

Judge and prosecutor have rights to lead their lives and use their rights and freedoms as other citizens do. However, judges and prosecutors shall weigh balance of legal demand of relationship between individual and society and degree of harm of the relationship that may irregularly influence to their behavior and judgment.

Chapter III Impartial Principle

Article 7-Principle

Judge and prosecutor shall maintain their behavior in and outside the court to ensure protection, maintaining, and promotion of trust from public, legal professionals, and disputed party in a manner of impartiality of judge and prosecutor.

Judge and prosecutor shall not participate in public discussion related to issues inside the court because it may affect the trust on impartiality of judges and prosecutors.

Judge and prosecutor shall not have partiality in making decision by having prejudice against race, color, sex, religion, disability, age, family situation, and economic and social situation.

Article 8- Behavior and hearing

Judge and prosecutor shall:

-Demonstrate firm punctuality, patience, politeness, and compassion while performing judicial and prosecutorial work.

-Not comment on something unnecessary and unreasonable in the court of law.

-Always maintain just manner and avoid any confrontation or act that may cause suspicious of impartiality.

Article 9-Investigation or examination of case and communication with party of the case

According to the principle, judge and prosecutor shall not communicate with any party during the case proceeding with the absence of another party except for that it is allowed by the law or with consent of another party. Judge and prosecutor shall not conduct investigation or examination of fact of the case alone and personally in and outside the court.

Article 10-Relationship between profession, society, and family

While performing the work, judge and prosecutor may meet and discuss with legal professional. Judge and prosecutor may also participate in social work with members from other sector providing legal service such as lawyers...etc

Judge and prosecutor shall not hear any case in which lawyers have close personal relationship with them.

Article 11-Commercial activities

Judge and prosecutor shall not perform any other work and business in order to acquire profit or benefit except for salary and remuneration in the court because those activities may cause disruption to appropriate performance and efficiency of the work or cause perception that judges and prosecutor use their position to make business and relationship with other commercial individual which may have cases at the court.

Article 12- Social and humanitarian activities:

Judge and prosecutor are encouraged to participate in related social humanitarian and educational activities as private citizens but they shall avoid any activity that reflects their bias or affects their judicial and prosecutorial work fulfillment, and shall not use judicial position prestige to get benefits for any organization or particular group.

Article 13: Legal work

Judge and prosecutor shall not provide legal service. If necessary, they may be able to provide it but they shall not get paid from the legal work they have done.

Judge and prosecutor may fulfill their personal legal work such as writing books and other works to be sold.

Article 14: Financial benefits

Judge and prosecutor shall not have financial benefits or any other benefits directly or indirectly from the cases they handle.

Judge and prosecutor shall be aware of their own financial and their family members' financial benefit information in order that it is easy to identify the cases that they have to withdraw themselves from the trial.

Article 15: Speaking in public place by judge and prosecutor as individual

The speech of judge and prosecutor on legal issues may have tremendous value to encourage the public awareness on judicial system and legal development. But, judge and prosecutor shall be cautious their individual public speech may reflect the whole judicial vision and their judicial position. Therefore, judge and prosecutor shall be careful when they make the public statement individually. Especially, judge and prosecutor shall absolutely avoid making statement that:

1. relates to political provocation
2. relates to political party
3. leads to conflict or censure of judicial staff who have opposite vision
4. reflects the perception that causes bias or prejudice of the cases they handle or will handle.
5. relates to their decision or judgment

Article 16: Legal education

Based on legal knowledge and experiences in judicial and prosecutorial affairs, judge and prosecutor may contribute in legal education provision to both public and legal professionals. This means judge and prosecutor may:

1. participate in providing legal trainings such as writing, remarks making, or legal education.
2. participate as members of legal and judicial reform commission.

Article 17: Withdrawal by judges and prosecutors

If judge and prosecutor have reasonable grounds that they could not decide impartially, they shall withdraw themselves from the hearing based on procedure code.

**Chapter IV
Honest Principle**

Article 18-Principle

An honest person is the one who is loyal and does not commit corruption. Basic principles of the code of ethic that an honest person shall follow are not changed though s/he is in the court or outside the court. It is the quality of honesty that could make judge and prosecutor maintain independency and impartiality both internal and external aspects. Therefore, judge and prosecutor shall be an honest person and shall not use and let anybody use their judicial position prestige in order to obtain their personal benefit.

Article 19: Confidential information

The confidential information that judge and prosecutor are aware of shall not be used for any activities that do not relate to judicial and prosecutorial affairs.

Article 20: Acceptance of gift (present)

Judge and prosecutor shall clearly separate gift that is given individually from close friends or relatives and the gift that is given to them officially. The problems will not exist if judge and prosecutor accept the gift individually and the gift is in little value, and that it is not relevant to their judicial position.

Judge and prosecutor shall not use their position to get gift, party, loan, or for any satisfaction. But judge and prosecutor may get the gift by making remark, hosting foreign guests, or participating in other events, if they think that it is not a big one and is acceptable.

Article 21: Behavior and document certifications

Judge and prosecutor shall not certify letter of certification or documents for their friends or relatives by using their names, position, and title.

Article 22: Use of judicial position

Judge and prosecutor shall not use their names, position, and title to get people to please them or get people paid special attention or to seek for benefits. Judge and prosecutor shall avoid using their judicial name, position, and title in doing private certificate that relating to individual affair of judge and prosecutor such as buying the house, car,.....etc.

Judge and prosecutor shall be cautious in providing name card in any events that relate particularly in lucky draw or to get award and so on.

Article 23: Communication with judicial officials and staff

Judge and prosecutor shall communicate with officials and staff under their supervision politely and decency. Judge and prosecutor shall be tolerant by not expressing their unhappy or unsatisfied attitude toward anybody, but by just expressing that those actions are not acceptable.

**Chapter V
Dignified Principle**

Article 24-Principle

Judge and prosecutor shall remember that they are under the observation of the publics permanently. Therefore, judge and prosecutor shall accept some freedom and personal willingness reductions to enable the people to see their value.

Article 25-Going to night club, entertainment club, gambling or membership of entertainment activities

Outside the court, judge and prosecutor may use their personal rights and freedom for any entertainment as other people may. But, judge and prosecutor shall be precautious that though the entertainment activities are legal, traditional, and beneficial to the society, they sometimes affect the dignity of judge and prosecutor for instance: like wearing very modern cloth or participating in the game show in TV and so on. Judges and prosecutor should also avoid entertainment place that has insufficient dignity.

Article 26-Public participation

Judge and prosecutor may participate with the publics outside the court in order to contribute to the society and may do activities such as comment on the non-legal topics and demonstrate the activities related to history, education, culture, music, sports, or other similar societal activities.

Article 27-Financial benefit

Judge and prosecutor shall not complain about their own financial difficulty to their clients.

Article 28-Former judges and prosecutors

Former judge and prosecutor may use their rights and freedom to lead their live as other citizens do. But, former judge and prosecutor shall not speak or carry out any activity that could be seen that it is being done in the name of the court or in association with the judicial power.

Chapter VI Diligent Principle

Article 29-Principle

Judge and prosecutor shall ensure that they perform their work diligently, try to implement judicial work quickly and perfectly, keep and improve their knowledge and skills necessarily to accomplish judicial and prosecutorial work qualitatively and perfectly.

Judge and prosecutor shall not do the work that is incompatible with diligent judicial and prosecutorial work responsibility.

Article 30-Basic priority or reasoning decision

The fundamental or reasoning decision preparation is the difficult process and uses a lot of time. This means that the judge and prosecutor should have enough time to research, discuss, and write that basic or reasoning decision. But, judge and prosecutor shall not prolong the time until the justice is gone.

Article 31-Prioritized work

Judicial and prosecutorial work of judge and prosecutor are more prioritized than other works. Judge and prosecutor shall guarantee that other works that are to be completed outside court such as being the member of any commission or board shall not disrupt the effectiveness of their judicial and prosecutorial work. At the same time, judge and prosecutor who are assigned to be responsible for administrative or other work in addition to judicial and prosecutorial work shall be given sufficient time to let those judge and prosecutor complete their work diligently.

Article 32-Monitoring of judicial and prosecutorial staff under supervision

Recently, judge and prosecutor perform judicial work as well as some administrative work. Therefore, some work should be done by court staff under the guidance and the monitoring of judge and prosecutor. This means that judge and prosecutor shall monitor those judicial and prosecutorial staffs to do their responsible work diligently.

Article 33-Personal activities and recognition

The diligent work accomplishment ability of judge and prosecutor depends on the scope of work, sufficient support staff, adequate work materials and time. Therefore, judge and prosecutor should have gotten adequate support staff, sufficient work materials and time in fulfilling judicial and prosecutorial work without affecting their personal time and materials.

This code of ethic was adopted by Supreme Council of Magistracy on

Date.....2005